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SUBJECT: A BEHIND-THE-SCENES LOOK AT VIETNAM'S UPR

Classified By: Political Counselor Brian Aggeler for reasons 1.4 (b) and (d).

11. (C) SUMMARY: Vietnam's recent Universal Periodic Review (UPR) before the UN Human Rights Council in Geneva was a lesson in the manipulation of process, according to the Canadian lead for the "troika" that coordinated Vietnam's UPR. The GVN clearly understood that only 60 countries would be able to speak in the dedicated timeframe and more than four hours in advance began to line up countries that it had asked to give friendly interventions. The GVN also chose to manipulate the format of the final report to list twice those recommendations it accepted while limiting mention of recommendations it rejected. The end result was a report that appeared largely favorable to the GVN but included some recommendations, including from the United States, that it rejected. Not surprisingly, when reporting to the diplomatic community Vietnam's human rights successes, DFM Pham Binh Minh chose to echo the positive comments and recommendations that lauded Vietnam's economic achievements over the past 20 years. END SUMMARY.

GVN Outlines Success in UPR Process

12. (SBU) On June 4, 2009, Deputy Foreign Minister Pham Binh Minh hosted a Discussion on the Results of Vietnam's Universal Periodic Review (UPR) at the UN Human Rights Council in Geneva with the international diplomatic community, including the Ambassador, and select guests from NGOs. DFM Minh said the GVN took the entire UPR process seriously and insisted -- only partly in jest -- that the day's discussion should not be a "second review" of Vietnam's human rights conditions. He outlined the efforts the GVN had gone through to produce an "objective" country report by soliciting input from Communist Party-affiliated organizations, and even distributed books that contained these observations and recommendations. DFM Minh noted that there were 29 people in the GVN delegation in Geneva -- 22 traveling from Hanoi from 11 different ministries -- and that he had stayed the entire five days of the process.

13. (SBU) DFM Minh emphasized the many positive remarks made by many countries that spoke at Vietnam's UPR and highlighted in particular those that paid tribute to Vietnam's struggle for national independence; focused on Vietnam's economic development, including "heroic" efforts to reduce poverty; lauded achievements in the areas of healthcare, education and infant mortality; and cited Vietnam as a model for the developing world. He stressed that Vietnam had accepted 93 of 123 recommendations offered and only chose to reject around 20 recommendations (four of which were from the United States). DFM Minh justified these rejections by stating that some were based on incorrect information, such as allegations of detention camps that do not exist and torture that does not occur, and others were rejected because "some countries were not flexible" in the wording of their recommendations. Turning his attention to media freedom, which was a focus of many Western countries at the UPR, DFM Minh stated that the GVN would continue to abide by international norms and enforce Vietnam's constitution. He did, however, state that

specific "limitations" on the Internet were justified to protect Vietnamese culture and values.

Canada Reveals What Really Happened

14. (C) Poloff met separately with Canadian Political Counselor Robert Burley, who attended Vietnam's recent UPR in Geneva. Burley acted as one of the leads of the Canadian delegation in its role as a member of Vietnam's UPR Troika and gave the Canadian intervention in Geneva. He noted that while countries are chosen at random to participate on UPR Troikas, Canada has a history of serving on Troika's for countries with human rights problems -- like China and now Vietnam. Burley's first observation was how prepared Vietnam was for their UPR. The GVN had clearly talked with China and reviewed the UPRs of countries with similar human rights conditions. Burley commented that the GVN knew that given the time constraints, only around 60 countries would be allowed to give interventions and attempted to stack the deck in their favor: in the end, about 45 of the 60 who made it in the final lineup made interventions friendly to Vietnam. He noted that four hours before Vietnam's UPR session began Vietnam's delegation had already begun escorting friendly countries -- Zimbabwe, Venezuela, Laos, Cuba, China, Burma, Russia, Iran, Syria, Belarus and others -- to line up to give interventions. The GVN delegation went as far as to station an official next to the queue to check off speakers from a list of countries that had, Burley surmised, agreed in advance to give friendly interventions on behalf of the GVN. Once the line reached about 45, the GVN pushed hard to get the last few on their list to line up to make sure they were part of the core 60.

15. (C) Vietnam also took the lead in lobbying all countries that made interventions to water down recommendations they didn't like under threat of rejection. Some countries budged (Burley mentioned Australia and Switzerland), while others (Canada and the United States) did not. Burley described the level of direct lobbying by the GVN as "unprecedented," adding that some countries were so frustrated with Vietnam's actions that they complained to the HR Council Secretariat. Traditionally, the Troika acts as an intermediary to reach agreement on recommendations, Burley explained, but Vietnam's delegation chose to all but ignore Troika members Japan and Burkina Faso. The Japanese, according to Burley, were so angry that they walked out of the UPR and considered refusing to participate further. Eventually, the Canadians were able to talk them back in and the Japanese eventually presided over the reading of the final country report.

16. (C) In an effort to intimidate countries into altering their recommendations, some heads of delegation were called in and criticized during the review process. According to Burley, New Zealand, Finland, and Canada were castigated by DFM Minh for not being "objective." The Swedes were called into the MFA in Hanoi twice to account for their critically worded advance questions and for their intervention. After the U.S. intervention, DFM Minh groused to the Canadians that, after Abu Ghraib and Guantanamo, the United States had no right to criticize Vietnam's human rights situation.

17. (C) Burley also observed that the GVN made a concerted effort to make the final country report look as positive as possible. The GVN deliberately chose a format for the report that in essence listed twice each recommendation that the GVN chose to accept and limited references to recommendations, such as some made by the United States, they chose to reject. This had the effect of making the report 1/3 longer than other UPR country reports and also resulted in the report not being translated.

18. (C) Perhaps the only setback for the Vietnamese, format wise at least, concerned the U.S.-led effort to include specific names of prisoners of concern in the final country report, which Burley said was a first for any country. Vietnam's delegation argued that the inclusion of the names of Father Nguyen Van Ly, Nguyen Van Dai and Le Thi Cong Nhan

was not allowed under previous precedent and tried to involve the HR Council Secretariat. In the end, Vietnam lost this fight, partially due to the format of the report that they had chosen, and the names were included.

19. (C) COMMENT: From the Geneva accords to negotiations over our HCMC consular district -- no one should be surprised when the Vietnamese play diplomatic hardball. But while not entirely unexpected, Vietnam's shrewd manipulation of the UPR process was nevertheless noteworthy for its single-minded intensity. Frustrating, to be sure, but in a way, Vietnam's defensiveness suggests that the MFA (at least) pays attention to what the rest of the world thinks about its human rights practices.

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